

REMARKS

Claims 1-3 were examined and remain pending. New claims 4-6 have been added, each of which depend from claim 1 either directly or indirectly. Claim 1 is the sole independent claim.

Claims 5 and 6 are identical to claims 2 and 3, but depend from claim 4 instead of from claim 1. No new matter has been added. Claim 4 is supported by Fig. 4, steps 110-118, for example, and the text of the specification relating to that Figure.

Claim Objections

Claims 2 and 3 were objected to because "'A vehicular' should be changed to --A vehicular--" [sic]. This objection is not understood. The claims already recite "A vehicular" and are understood to be correct as they are.

Claim Rejections – 35 USC § 102

Claims 1 to 3 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Stam (US2003/0123705). The rejection is respectfully traversed.

The Stam published application discloses a system for controlling vehicle lights. As described in connection with FIG. 26a, the headlamp may include semiconductor optical radiation emitters such as LEDs (see page 30, pars. 0259 and 0264). FIG. 11 illustrates a system that includes high beam lamps 1131 and low beam lamps 1132 (page 11, par. 0124). A microcontroller 1105 makes decisions regarding operation of the headlamps.

The Stam system includes a dimmer switch 1123 which is connected to a manually actuated switch that apparently is controlled by the driver (see par. 0124). However, if the high beam lamps are turned on when the manual dimmer switch is actuated, the microcontroller automatically causes the high beam lamps to be turned off.

In a vehicular lamp according to the present claims, a vehicle lamp as a “vehicular headlamp” is switched to a vehicle lamp as a “position lamp” upon instructions of the vehicle driver provided to a current controlling unit to do so. This feature is recited in pending claim 1: “...by reducing a current supplied to said semiconductor light emitting element based on an instruction of a driver of said vehicle.” Thus, the change does not occur automatically. The driver turns on a vehicle lamp as a positioning lamp.

On the other hand, in Stam, a high beam lamp is automatically switched to a low beam lamp by Stam's microcontroller, without instructions by the driver.

For at least the indicated reasons, none of the pending claims is anticipated by Stam. Nor would the pending claims have been obvious to one of ordinary skill in the art at the time the present invention was made in view of Stam.

Furthermore, the Stam published application does not disclose that the headlamps can serve as a “position lamp” as recited in the pending claims.

In a vehicular lamp according to the present claims, a vehicle lamp as a “vehicular headlamp” is switched to a vehicle lamp as a “position lamp” based on conditions such as speed of a vehicle, temperature of a vehicle and brightness around the vehicle. (See pending claims 4-6.) Thus, for example, a vehicular lamp of the present claims is controlled so as to prevent the temperature of the vehicular lamp from increasing. By contrast, in Stam, a high beam lamp in a headlamp is merely switched to a low beam lamp, but not to a position lamp. In other words, Stam's microcontroller does not turn the vehicular lamp on as a position lamp, but rather as a headlamp.

Again, it is not seen that any of the pending claims are anticipated by the Stam reference. Nor would the pending claims have been obvious to one of ordinary skill in the art at the time the present invention was made in view of Stam.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or

concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Conclusion

It is urged that the objections and rejections have been overcome and that pending claims 1-6 are allowable. Prompt mailing of a notice of allowance is solicited.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

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